

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DERICK DWAYNE TISBY,

Petitioner,

v.

SHERIFF JOHNNY BROWN,

Respondent.

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Civil Action No. **3:09-CV-1370-L**


ORDER

Before the court is Petitioner Derick Dwayne Tisby's Petition for Writ of Habeas Corpus, filed May 14, 2009. The petition was referred to United States Magistrate Judge Paul D. Stickney, who filed Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on May 10, 2010. Petitioner filed no objections to the Report.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. On August 21, 2009, the magistrate judge issued the United States Magistrate Judge's Questionnaire to Petitioner seeking additional information regarding his claims. Petitioner was informed that failure to return the questionnaire within thirty days could result in a dismissal of his petition. More than thirty days have passed since the questionnaire was issued, and Petitioner has failed to respond to the court's questionnaire. The magistrate judge accordingly recommends that this action be dismissed for failure to comply with a court's order pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. After conducting its own review of the petition, filings, Report, and record, the court agrees with the magistrate judge.

The court therefore determines that the magistrate judge's findings and conclusions are correct. The Report is **accepted** as that of the court. The court **dismisses without prejudice** the Petition for Writ of Habeas Corpus for failure to comply with a court order.

It is so ordered this 28th day of May, 2010.


Sam A. Lindsay
United States District Judge